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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/010,990

12/05/2001

Sanjay Kamath

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08/22/2006

QUALCOMM INCORPORATED
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SAN DIEGO, CA 92121

EXAMINER

SWEARINGEN, JEFFREY R

ART UNIT

PAPER NUMBER

2145

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/010,990

Applicant(s)

KAMATH ET AL.

Examiner

Jeffrey R. Swearingen

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2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-10,12-18,25-30 and 32-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-8,10,13-17,25,27,28,30 and 33-36 is/are rejected.
- 7) ☒ Claim(s) 3,9,12,18,26,29,32 and 37 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/27/06 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 3-10, 12-18, 25-30 and 32-37 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4-8, 10, 13-17, 25, 27, 28, 30, and 33-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Ramanathan et al. (US 6,076,113).

5. In regard to claims 1, 10, and 30, Ramanathan disclosed:

incrementing a flow indication counter indicating an updated number of data packets transmitted from a buffer in a base transceiver station; (column 5, lines 53-55)

when said updated number of data packets transmitted from said buffer is equal to or greater than a threshold number, determining a window size of said buffer available to store data packets; (column 5, line 65 – column 6, line 10)

generating a flow indication message, said flow indication message indicating said window size; (column 6, 1-17) and

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transmitting said flow indication message to a base station controller, (must be performed to allow TCP connectivity to take place)

wherein the buffer size is used by the base station controller to determine the amount of data to transmit to the base transceiver station. (column 6, lines 1-6 The TCP maximum window size is the buffer size)

6. In regard to claims 4, 13, 25 and 33, Ramanathan disclosed:

determining a packet ID of a data packet received by said buffer before said generating step. (column 8, lines 55-65 disclosed tracking the packets by receiving ACKs for packets. The ACKs included the packet ID to match up with the packet; therefore the packet IDs were determined and stored.)

7. In regard to claims 5, 14, 27 and 34, Ramanathan disclosed:

said packet ID is a last packet ID. (column 8, lines 55-65 disclosed tracking ACKs of packets. ACKs of packets were matched up using packet ID numbers. The last packet sent necessarily included a "last packet ID").

8. In regard to claims 6, 15 and 35, Ramanathan disclosed:

said flow indication message further comprises said packet ID. (column 7, lines 17-57. Lines 26-29 keep track of the "number" (packet ID) of packets to be transmitted. Lines 47-50 keep a list of transmitted packets expecting ACKs, which necessarily included an identifier of said packets.)

9. In regard to claims 7 and 16, Ramanathan disclosed:

transmitting said flow indication message. (If the window size is changed, then the receiving computer must be notified of the change in window size per the TCP standards.)

10. In regard to claims 8, 17, 28 and 36, Ramanathan disclosed:

keeping track of an elapsed time since the transmission of a last message; (column 7, lines 28-29)

generating said flow indication message when said elapsed time is equal to or greater than a threshold time interval. (column 7, lines 28-29)

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Allowable Subject Matter

11. Upon further review, claims 3, 9, 12, 18, 26, 29, 32, and 37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Christenson	US 5,418,912
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Burt et al.	US 5,592,627
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Afek et al.	US 5,748,901
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Valhalia et al.	US 5,933,603
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Nogradi	US 5,974,518
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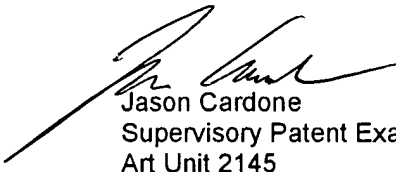
Davis et al.	US 6,105,064
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571) 272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jason Cardone
Supervisory Patent Examiner
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